

December 19, 1997  
L-97-52

TO : Claudia C. Walch  
Supervisor, Reconsideration Section  
*Through:* Catherine A. Leyser  
Director of Assessment and Training

FROM : Steven A. Bartholow  
Deputy General Counsel

SUBJECT : RRA maximum and Military Service Reduction

This is in response to your memorandum dated November 25, 1997, wherein you asked whether the RRA maximum computation should be redetermined when an employee's annuity was increased effective September 1, 1983, due to the change in law which removed any reduction for receipt of another benefit based on that same military service. See amendment to section 2(h)(1) made by section 414(a)(1) of Public Law 98-76. You note that in Legal Opinion L-83-30, the General Counsel ruled that there should be no redetermination of the railroad retirement maximum when the annuity is adjusted to remove the military service reduction.

In the case about which you inquire in your memorandum dated November 25, 1997, the employee's annuity was tested for the RRA maximum on his annuity beginning date. At that time, the RRA maximum did not apply. When the annuity was adjusted effective September 1, 1983, the RR maximum was not retested. In accord with Legal Opinion L-83-30, that was correct. No redetermination should have been made either at that time or now. Therefore, the redetermination made by the examiners based on the recomputation of the annuity to include additional service was incorrect.